

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Derrick Jerome Spencer,

Plaintiff,

v.

United States Federal Bureau of  
Prisons; Merrick Garland, Attorney  
General; Collette Peters, FBOP Director;  
B. Eischen, Warden; K. Winger, Unit  
Manager; J. Kozulla, Case Manager,

Defendants.

**ORDER FOR DISMISSAL  
WITHOUT PREJUDICE**  
Case No. 23-cv-219 (MJD/LIB)

---

This matter is before the Court on the March 22, 2023 Report and  
Recommendation of United States Magistrate Judge Leo I. Brisbois. (Doc. 6.)  
The Report and Recommendation recommends dismissing Plaintiff's Complaint  
without prejudice.

No objections to the Report and Recommendation have been filed in the  
time allowed by law. In the absence of any timely objections, this Court has  
reviewed the Report and Recommendation for clear error. Grinder v. Gammon,  
73 F.3d 793, 795 (8th Cir. 1996) (per curiam); Fed. R. Civ. P. 72(b) advisory  
committee's note to 1983 amendment ("When no timely objection is filed, the

court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); D. Minnesota Local Rule 72.2(b)-(c). Having reviewed the Report and Recommendation and the record in this case, the Court finds no clear error.

Accordingly, based on the Report and Recommendation and the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The March 22, 2023 Report and Recommendation (Doc. 6) is **ADOPTED**; and
2. Plaintiff Derrick Jerome Spencer’s Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 16, 2023

s/Michael J. Davis  
Michael J. Davis  
United States District Court